

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

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Kevin Eric Scott Private Living Trust  
Kevin Eric Scott, Private American state national,  
Cestui que trust, Subrogee,

3:25-CV-27-GM

Petitioners,

BILL IN EQUITY  
FOR BREACH OF TRUST,  
INJUNCTION, SUBROGATION,  
ACCOUNTING, RECOUPMENT,  
DISCOVERY and  
EXONERATION

vs

U.S. DEPARTMENT OF JUSTICE,  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,  
Immigration Judge, Amy T Lee;  
DEPARTMENT OF HOMELAND SECURITY,  
Alejandro Mayorkas;  
OFFICE OF THE GENERAL COUNSEL,  
CFO Stacey Marcott;  
KEVIN ERIC SCOTT,  
Case #037333936

Respondents,

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**JURISDICTION**

1. This court has jurisdiction in equity to adjudicate this matter pursuant to Article III, Section Two of the Constitution for the United States of America. Petitioners are private American state national and a private trust whose rights, title and interests are governed exclusively by equity, God's law. Petitioners rights, title and interests are to be protected under civilian due process protections of the Fifth Amendment. Petitioners seek equitable remedies only, and seeks no damages.

VENUE

Venue is proper as this proceeding is pending within the geographic jurisdiction of this court, and all parties thereto are also within this court's jurisdiction.

PARTIES

2. Petitioner Kevin Eric Scott, is a private American state national, dwelling at all times relevant in a non-military occupied area, outside of US Territory, subrogee to all subrogors' listed in the caption above as Respondents, and beneficiary whose rights, titles and interests are protected under the Kevin Eric Scott Private Living Trust, named in the caption. ***Petitioner's name, Kevin Eric Scott, is also the property of said private trust and this court is hereby granted a limited use thereof to initiate these proceedings in equity, exclusively, for the purpose of hearing this matter and for no other purpose whatsoever.*** See Exhibit A, TTGD. Petitioner as an American state national requires ***civilian due process*** protections which are firmly established under Article III, Section 2, as well as the Fifth Amendments of the Constitution for the United States of America. As a private American state national, ***I am not subject to the Trading With the Enemy Act as amended by the Emergency Banking Relief Act of 1933*** and this court is charged with sole exclusive duty to protect me and my property and civilian due process protections of the written Constitutions.

Equity Maxims: "*equity does not aid a volunteer*"

"*He who is guarantor for a stranger will surely suffer for it, But he who hates being a guarantor is secure*". Proverbs 11:15

3. The Kevin Eric Scott private Living Trust was created for the express purpose of merging titles under trust for the beneficiaries thereof and for the enjoyment of life, freedom, wealth and the pursuit of happiness. The Declaration of Trust was filed in Union County, North Carolina state,

a union state, on March 26<sup>th</sup>, 2024, Book number 08874, Start page 0833, end page 0839 and filed as instrument number 06546. Please see Exhibit B, Certificate of Foreign Grantor Trust. The Indenture Agreement is available for in chambers' inspection for a fee, as listed on the Fee Schedule, but cannot be publicly filed as it is special, private, proprietary and contains trade secrets.

4. Respondent, KEVIN ERIC SCOTT, is distinguished from the Petitioner Kevin Eric Scott as described above. They are not the same person nor are they the same entity. Please see exhibit C, Name correction. KEVIN ERIC SCOTT is a government created entity, a US person, public Trust, Legal Permanent Resident, Office, Employee or Franchise of the United States government. It is the name of a Birth Certificate, it is the public estate of Kevin Eric Scott, of which all rights, title and beneficial interest therein are the property of the Kevin Eric Scott Private Living Trust. Please see Exhibit D. TTGD.

IDEM SONANS

5. In a legal proceeding, the '**legal**' doctrine of 'idem sonans' would allow a *court of law* to disregard the misspelling of a party's name, as long as they are pronounced the same way as the true spelling, in order to maintain a proceeding which is '*purely legal*'. The all-capital letters spelling of KEVIN ERIC SCOTT, is a misspelling of that name. This legal doctrine allows the Respondents, to create legal entities in all capital letters and '*charge*' it with being an Alien subject to removal from the corporate United States under case number 037333936, currently on the docket at the Charlotte Immigration Court. ***This legal doctrine of 'idem sonans' however, is not applicable in a court of equity as it is not an equitable/fair doctrine.*** It inveigles an individual into being a surety for an entity that is a stranger to him or her. There is a court order attached as

exhibit C, although not binding upon this court, that judicially recognizes the distinction between the two names.

***“He who is surety for a stranger will suffer, but one who hates being surety is secure”***

***Proverbs 11:15***

6. Respondent Immigration Judge, Amy T Lee, is an Attorney with the UNITED STATES DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, Charlotte Immigration Court, located at 5701 Executive Center Drive, #400, Charlotte, NC 28212. Respondent, in her official capacity, was appointed as Trustee for the Alien KEVIN ERIC SCOTT and assigned legal title to the case for merger and settlement to extinguish the trust.

7. Respondent DEPARTMENT OF HOMELAND SECURITY, hereinafter DHS, OFFICE OF THE GENERAL COUNSEL was also notified and served with a Notice of Equitable Subrogation, Notice of Appointment and Trust Merger. Respondents are located at 6130 Tyvola Center Drive, Charlotte, NC 28217.

#### **FACTUALLY RELEVANT BACKGROUND INFORMATION**

8. In 2011 agents of Department of Homeland Security (DHS), filed a Notice to Appear (hereinafter NTA), which is an Immigration Court Charging *Instrument*, against the legal entity/public trust, KEVIN ERIC SCOTT aka NAZEE M. BEY, under Alien number 037-333-936. The NTA charged said entity with 2 counts of violating section 212(a) of the Immigration and Nationality Act. Specifically, sections 212(a)(2)(A)(i)(I) and section 212(a)(7)A(i)(I) of the INA. The Charging Instrument was filed with the Immigration Court, in New York City at 26 Federal Plaza in February of 2011. Please see Exhibit D, NTA. For the past 13 years, I Kevin Eric Scott, a private American state national, has attended Immigration Court as the implied ***surety*** for KEVIN

ERIC SCOTT aka NAZEER M. BEY, the Alien, and has requested the court to provide the surety with the assessment for the charges in the charging instrument, which is, the dollar amount assessed for each *charge* and to no avail. Petitioner was met with responses meant to stultify and obfuscate that issue. Suretyship, as this court is aware, is a credit transaction in which the surety, Kevin Eric Scott, provided his private credit in the form of bonds, to the principal debtor, the Alien KEVIN ERIC SCOTT, to allow the principal debtor to contract with an obligee, which is THE UNITED STATES government in this instance

9. Petitioner, on or about August 1<sup>st</sup>, 2024, as a **surety** for the entity charged, served the New York Immigration Court with a Notice of Equitable Subrogation, Assignments of Rights for Trust Merger and Notice of Exoneration as Implied Surety. Please see Exhibit E. The Notices were mailed from the surety's home address here in Indian Trail, North Carolina state. The matter was then transferred to Immigration Judge Amy T. Lee at the Charlotte Immigration Court. On November 13<sup>th</sup>, 2024, Petitioner again, as surety for said entity, served Notice of Equitable Subrogation, Notice of Appointment as Trustee, and Assignment of Rights for Merger and Extinguishment to the Charlotte Immigration Court, Judge Amy T Lee. Petitioners also served the DEPARTMENT OF HOMELAND SECURITY's, Office of the General Counsel. Please see Exhibit F.

10. Specifically, Respondents were notified that both legal and equitable title to case #037333936 has been transferred to the Kevin Eric Scott Private Living Trust. See Exhibit F, TTGD. They were notified that this case has been removed from public, in rem and abandoned status under trust, and that the title thereto was no longer bifurcated. Respondents were also provided with a Notice of Equitable Subrogation.



11. Petitioner, as trustee/beneficiary for his private living trust, via special deposit of a Certificate of Title/Trust Transfer Grant Deed, assigned/transferred '*legal*' rights, title and interests in case #037333936, including the charging instrument, to the Respondents for trust merger, settlement and closure of the matter. Respondents are now beneficiary, trustee, co trustees and subrogors on the matter and when this condition occurs, there is a merger of interests ***and the trust ceases to exists***. The petitioner, Kevin Eric Scott private Living trust however, retains an equitable interest in the matter as beneficiary and subrogee. Please see Exhibit H. TTGD, Cert. of title.

12. Respondents were given 45 days within which to respond by merging, settling and extinguishing the trust. To date no response has been forthcoming and the matter remains on the calendar. Respondents continue to treat the surety as the principle debtor, has failed or refused to settle and extinguish the trust which constitutes a breach of trust and unjust enrichment as they continue to appropriate trust property.

### **BREACH OF TRUST**

13. Respondents have failed or refused to perform their fiduciary duties by neglecting to settle and extinguish the trust. Respondents were duly appointed as trustees and assigned, via Certificate of Title/Trust Transfer Grant Deed, legal title of the herein referenced case (037333936) for appointment, assignment for settlement, accord and satisfaction of any and all outstanding debts against KEVIN ERIC SCOTT aka NAZEER M BEY. See Exhibit E. Respondents are trustees and beneficiaries for KEVIN ERIC SCOTT aka NAZEER M. BEY regarding case number 037333936. This condition caused the interests of the public trust to merge and therefore extinguished the trust. Respondents have failed to settle and extinguish the trust and are in breach of their fiduciary duties. To date the matter is still pending on the docket of the Respondents court calendar and continue to

appropriate trust property for commercial gain. Petitioners name and the court case is trust property.

14. Equity preserves trust property above all else, *even to the extent of staying legal actions*, including criminal prosecutions, where the trust res is threatened by such proceedings. Reference **Henry R. Gibson's, A Treatise on Suits In Chancery, § 56.**

#### **SUBROGATION, ACCOUNTING, RECOUPMENT AND EXONERATION**

15. Respondents were served with a Notice of Equitable Subrogation along with the Notice of Assignment and Merger. Petitioner/beneficiary retains an equitable interest in the bonds, securities, chattel paper, debentures, evidence of indebtedness, if any, all disbursements, and transfer of funds in case number 037333936. Petitioner, as then surety, being the source of funding for the principal debtor, KEVIN ERIC SCOTT by providing his private credit in the form of bonds to allow the principle debtor to contract with Respondents, is entitled to subrogation and substitution as the beneficiary and real party in interest to the place and stead of the original creditor/obligee. Subrogation is valid when these conditions are met (i) the subrogee made the payment to protect his or her own interest, (ii) the subrogee did not act as a volunteer, (iii) the subrogee was not primarily liable for the debt paid, (iv) the subrogee paid off the entire encumbrance, and (v) subrogation would not work any injustice of the rights of the junior lien holder.

16. Petitioner was compelled to attend immigration court as an implied surety for the Alien charged in the Charging instrument, KEVIN ERIC SCOTT, in order to protect his interests in not being removed from the United States of America, i.e. from New York state, a union state, and all

of the collateral consequences attendant to deportation/removal. Petitioner was not primarily liable for the charges against the Alien but was compelled to be a surety therefor. See Exhibit D. Petitioner was not a volunteer and is the beneficiary and contributing heir of the public estate, KEVIN ERIC SCOTT, and his beneficial interests therein was assigned to the Kevin Eric Scott Private Living Trust. Petitioner's private credit completely discharged any and all debts against said entity and subrogation would not work an injustice with respect to any rights of the government.

17. See "§ 57, A Treatise on Suits In Chancery: **Equity Regards the Beneficiary as the Real Owner.** [In regards to Trusts created by law] *Thus every administrator, executor, and guardian, and, to a less extent, every Court Clerk, Receiver, Sheriff, County Trustee or other public officer entrusted with the money of others, by the law, and especially where he has given bond to secure those entitled, is liable to be called by the beneficiaries to account in Chancery; and, in all such cases, the Court regards the beneficiary as the real owner of the property, although the legal title is in the officer having it in possession.*"

#### **RECOUPMENT**

18 Petitioner, as beneficiary, is entitled to recoupment of any and all funds, that is, his private credits in the form of bonds, securities, liens, chattels, debentures and the equitable value of thereof, including disbursements, chattels and derivatives, held in trust by Respondents from case number 037333936.

#### **DISCOVERY AND ACCOUNTING**

19. Petitioners seek discovery, in the nature of accounting of all monies, including all bonds, securities, liens, chattel paper, debentures, all disbursements made and to whom made, *the*



*assessment for all charges*, taxes paid or owed, the accounts receivable and accounts payable ledger pertaining to this case, any and all evidences of debt or other financial reports or documents associated with case number 037333936, against Respondent KEVIN ERIC SCOTT, aka NAZEER M BEY. Petitioners seek discovery of the dollar amount assessed or annexed, for each charge contained in the Notice To Appear and for any outstanding debts associated with or related to the case in question. Petitioners seek discovery of the names and office of each and every official who touched this case and information regarding their financial gain, if any, from this case.

### **INJUNCTIVE RELIEF**

20. Equity preserves trust property above all else, *even to the extent of staying legal actions*, including criminal prosecutions, where the trust res is threatened by such proceedings. Reference: Henry R. Gibson's Suits In Chancery, § 56.

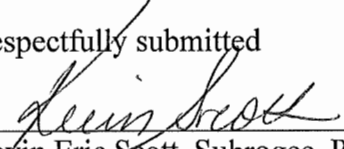
21. Based on all the foregoing contentions and information, as if fully reproduced herein, Petitioner seeks injunctive relief to (a) prevent Respondent from treating the surety as the principal debtor, (b) to prevent Respondents from continuing to operate in breach of their fiduciary duties by ordering Respondents to extinguish the public trust KEVIN ERIC SCOTT and to cease and desist all activities relative to case number 037333936 and/or (c) enter an order exonerating Petitioner Kevin Eric Scott from Respondent KEVIN ERIC SCOTT, and/or an order to recoup trust res/property, which are the securities, bonds, chattels, liens and any indebtedness backed by Petitioner's private credit and beneficial interests therein.

WHEREFORE, Petitioners pray that this court will hear and adjudicate this matter in accordance with the rules of equity and enter an Order granting the reliefs requested herein, in whole or in part, or as justice may require. Petitioner requests an Order from this court, Ordering:

- A. that Petitioner is subrogated to the place and stead of the original creditor;
- B. that Respondents produce an accurate, detailed and truthful accounting of any securities, bonds, chattels, debentures or any other evidence of debt regarding immigration case #037333936.
- C. that Respondent must, trace, attach and return all funds/monies, bonds, securities, chattels, accounts payable, dividends, interest payments, and credits held in trust, to the subrogee for recoupment.
- D. that Respondents settle and extinguish case number 037333936 against KEVIN ERIC SCOTT aka NAZEER M BEY.
- E. that Respondents are in breach of trust and must return all documents containing trust property, that is, the name Kevin Eric Scott.

Dated: December 23, 2024

Respectfully submitted

  
Kevin Eric Scott, Subrogee, Private  
American, Cestui Que Trust

**AFFIDAVIT OF SERVICE**

I Kevin Eric Scott, hereby certify and affirm, that on the 27 day of December, 2024, I caused to be served upon the parties listed below, a true and foregoing copy of the enclosed Bill in Equity, via USPS Certified Mail, Return Receipt Requested, addressed as follows:

Clerk of Court,  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
401 West Trade Street, Room 1200  
Charlotte, NC 28202  
Certified Mail#

7022 1670 0003 1535 0419

DHS  
Office of the General Counsel  
6130 Tyvola Center Drive  
Charlotte, NC 28217

Dena J King  
UNITED STATES ATTORNEY'S OFFICE  
Carillon Tower,  
227 W Trade St #1650  
Charlotte, NC 28202  
Certified Mail#

EOIR, Amy T Lee  
5701 Executive Center Dr.  
Charlotte, N.C. 28212

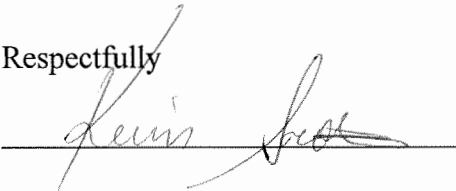
7022 1670 0003 1535 0426

7022 1670 0003 1535 0402

Under penalty of perjury of North Carolina state.

Dated: December 23<sup>th</sup>, 2024

Respectfully



Sworn to before  
me on this 27<sup>th</sup> day of December, 2024



Notary Public

Commission Expires: March 31, 2029

